

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
Harrisonburg Division**

LUKE WILSON,

Plaintiff,

VS.

**THE TOWN OF MOUNT JACKSON,
et al.,**

Defendants.

CASE NO. 5:21-CV-00055

ANSWER TO COMPLAINT

COMES NOW the Defendant, Todd Holtzman (hereinafter “Defendant”), by counsel,
denying that he is liable to the Plaintiff in any sum under any legal theory of recovery, and for
his Answer to Plaintiff’s Complaint states the following:

1. Defendant admits that the Plaintiff alleges damages but denies the remaining allegations contained in paragraph 1 of the Complaint.
2. Defendant admits that one of Plaintiff's properties was foreclosed, but has insufficient knowledge to admit or deny the remaining allegations contained in paragraph 2 of the Complaint.
3. Defendant denies the allegations contained in paragraph 3 of the Complaint.
4. Defendant denies the allegations contained in paragraph 4 of the Complaint.
5. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 5 of the Complaint.
6. Defendant denies the allegations contained in paragraph 6 of the Complaint.
7. Paragraph 7 of the Complaint does not require a response by Defendant.

8. Paragraph 8 of the Complaint does not require a response by Defendant.

9. Defendant admits that he resides within the boundaries of the Western District of Virginia but the rest of Paragraph 9 does not require a response from the Defendant.

10. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 10 of the Complaint.

11. Defendant admits the allegations contained in paragraph 11 of the Complaint.

12. Defendant admits the allegations contained in paragraph 12 of the Complaint.

13. Defendant admits the allegations in paragraph 13 of the Complaint.

14. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 14 of the Complaint.

15. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 15 of the Complaint.

16. Defendant admits the allegations contained in paragraph 16 of the Complaint.

17. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 17 of the Complaint.

18. Defendant admits the allegations in paragraph 18 of the Complaint.

19. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 19 of the Complaint.

20. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 20 of the Complaint.

21. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 21 of the Complaint.

22. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 22 of the Complaint.

23. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 23 of the Complaint.

24. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 24 of the Complaint.

25. Defendant admits that Plaintiff showed him the property but denies the remaining allegations contained in paragraph 25 of the Complaint.

26. Defendant admits the allegations contained in paragraph 26 of the Complaint.

27. Defendant is uncertain as to the date but admits that he contacted Plaintiff around the time alleged in paragraph 27 of the Complaint.

28. Defendant denies the allegations contained in paragraph 28 of the Complaint.

29. Defendant admits that he did not make an offer of purchase, but denies the remaining allegations contained in paragraph 29 of the Complaint.

30. Defendant denies the allegations contained in paragraph 30 of the Complaint.

31. Defendant denies the allegations contained in paragraph 31 of the Complaint.

32. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 32 of the Complaint.

33. Defendant admits that the mortgagee showed him the property but has insufficient knowledge or information to admit or deny the remaining allegations in paragraph 33 of the Complaint.

34. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 34 of the Complaint.

35. Defendant denies the allegations contained in paragraph 35 of the Complaint.

36. Defendant denies the allegations contained in paragraph 36 of the Complaint.

37. Defendant denies the allegations contained in paragraph 37 of the Complaint.

38. Defendant admits the allegations contained in paragraph 38 of the Complaint.

39. Defendant admits the allegations contained in paragraph 39 of the Complaint.

40. This paragraph contains a legal conclusion rather than a factual allegation, wherefore to the extent a response is required, Defendant denies the allegations contained in paragraph 40 of the Complaint.

41. This paragraph contains a legal conclusion rather than a factual allegation, wherefore to the extent a response is required, Defendant denies the allegations contained in paragraph 41 of the Complaint.

42. Defendant admits the allegations contained in paragraph 42 of the Complaint.

43. Defendant denies the allegations contained in paragraph 43 of the Complaint.

44. Defendant admits that he has purchased properties in Mt. Jackson and Shenandoah County, but denies the remaining allegations contained in paragraph 44 of the Complaint.

45. Defendant admits the allegations contained in paragraph 45 of the Complaint.

46. Defendant admits that the injunction was granted by the court but denies the remaining allegations and legal conclusions contained in paragraph 46 of the Complaint.

47. Defendant admits that he never paid the bond but has insufficient information to admit or deny the remaining allegations contained in paragraph 47 of the Complaint.

48. Defendant denies the allegations contained in paragraph 48 of the Complaint.

49. Defendant admits that he took actions to secure the property but denies the remaining allegations contained in paragraph 49 of the Complaint.

50. Defendant denies the allegations contained in paragraph 50 of the Complaint.

51. Defendant denies the allegations contained in paragraph 51 of the Complaint.

52. Defendant denies the allegations contained in paragraph 52 of the Complaint.

53. Defendant denies the allegations contained in paragraph 53 of the Complaint.

54. Defendant admits that he spoke with Chief Sterner about securing the property and preventing further damage but denies the remaining allegations contained in paragraph 54 of the Complaint.

55. Defendant has insufficient knowledge or information of what is meant by “strong connections,” therefore denies the allegations contained in paragraph 55 of the Complaint.

56. Defendant admits the allegations contained in paragraph 56 of the Complaint.

57. Defendant admits the allegations contained in paragraph 57 of the Complaint.

58. Defendant admits the allegations contained in paragraph 58 of the Complaint.

59. Defendant admits that he is the General Manager of Holtzman Propane, a company that sells and distributes propane, but denies the remaining allegations contained in paragraph 59 of the Complaint.

60. Defendant admits that he has purchased and rehabilitated some houses, but has insufficient knowledge or information of what is meant by “major property developer,” therefore denies the allegations contained in paragraph 60 of the Complaint.

61. Defendant denies the allegations contained in paragraph 61 of the Complaint.

62. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 62 of the Complaint.

63. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 63 of the Complaint.

64. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 64 of the Complaint.

65. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 65 of the Complaint.

66. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 66 of the Complaint.

67. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 67 of the Complaint.

68. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 68 of the Complaint.

69. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 69 of the Complaint.

70. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 70 of the Complaint.

71. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 71 of the Complaint.

72. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 72 of the Complaint.

73. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 73 of the Complaint.

74. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 74 of the Complaint.

75. Defendant denies that he instructed any officers, but has insufficient knowledge or information to admit or deny the allegations in paragraph 75 of the Complaint.

76. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 76 of the Complaint.

77. Defendant admits calling Plaintiff's mother and requesting that she notify Plaintiff to contact him, but denies the remaining allegations contained in paragraph 77 of the Complaint.

78. Defendant denies the allegations contained in paragraph 78 of the Complaint.

79. Defendant denies the allegations contained in paragraph 79 of the Complaint.

80. Defendant denies the allegations contained in paragraph 80 of the Complaint.

81. Defendant admits the allegations contained in paragraph 81 of the Complaint except that he denies the allegation of what "his message" contained.

82. Defendant denies the allegations contained in paragraph 82 of the Complaint.

83. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 83 of the Complaint.

84. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 84 of the Complaint.

85. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 85 of the Complaint.

86. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 86 of the Complaint.

87. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 87 of the Complaint.

88. Defendant admits that Officer Whorton attempted to contact him but denies the remaining allegations in paragraph 88 of the Complaint.

89. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 89 of the Complaint.

90. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 90 of the Complaint.

91. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 91 of the Complaint.

92. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 92 of the Complaint.

93. Defendant denies expressing “personal animus” toward Wilson, but has insufficient knowledge or information to admit or deny the allegations in paragraph 93 of the Complaint.

94. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 94 of the Complaint.

95. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 95 of the Complaint.

96. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 96 of the Complaint.

97. Defendant denies that he provided directions to any of the officers, but has insufficient knowledge to admit or deny the allegations in paragraph 97 of the Complaint.

98. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 98 of the Complaint.

99. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 99 of the Complaint.

100. Defendant denies the allegations contained in paragraph 100 of the Complaint.

101. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 101 of the Complaint.

102. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 102 of the Complaint.

103. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 103 of the Complaint.

104. Defendant denies the allegations that he provided directions to Officer Whorton, but has insufficient knowledge or information to admit or deny the remaining allegations in paragraph 104 of the Complaint.

105. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 105 of the Complaint.

106. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 106 of the Complaint.

107. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 107 of the Complaint.

108. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 108 of the Complaint.

109. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 109 of the Complaint.

110. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 110 of the Complaint.

111. Defendant denies the allegations that he provided directions to Officer Whorton, but has insufficient knowledge or information to admit or deny the remaining allegations in paragraph 111 of the Complaint.

112. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 112 of the Complaint.

113. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 113 of the Complaint.

114. Defendant admits the allegations contained in paragraph 114 of the Complaint.

115. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 115 of the Complaint.

116. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 116 of the Complaint.

117. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 117 of the Complaint.

118. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 118 of the Complaint.

119. Defendant admits the allegations contained in paragraph 119 of the Complaint.

120. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 120 of the Complaint.

121. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 121 of the Complaint.

122. Defendant admits the allegations contained in paragraph 122 of the Complaint.

123. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 123 of the Complaint.

124. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 124 of the Complaint.

125. Defendant admits that items were removed from the house and placed in the Plaintiff's cars on the premises and some trash and items deemed junk were discarded, but has insufficient knowledge or information to admit or deny the remaining allegations contained in paragraph 125 of the Complaint.

126. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 126 of the Complaint.

127. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 127 of the Complaint.

128. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 128 of the Complaint.

129. Defendant admits that title had not yet transferred to him, but denies the remaining allegations in paragraph 129 of the Complaint.

130. Defendant denies the allegations contained in paragraph 130 of the Complaint.

131. Defendant denies that he provided directions to any of the officers and denies that Chief Sterner advised him on "how best to set up the arrest of Wilson," but has insufficient

knowledge or information to admit or deny the remaining allegations in paragraph 131 of the Complaint.

132. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 132 of the Complaint.

133. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 133 of the Complaint.

134. Defendant denies the allegation that he made “defamatory accusation of criminal wrongdoing,” but has insufficient knowledge or information to admit or deny the remaining allegations in paragraph 134 of the Complaint.

135. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 135 of the Complaint.

136. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 136 of the Complaint.

137. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 137 of the Complaint.

138. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 138 of the Complaint.

139. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 139 of the Complaint.

140. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 140 of the Complaint.

141. Defendant incorporates his previous answers to all previous allegations.

142. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 142 of the Complaint.

143. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 143 of the Complaint.

144. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 144 of the Complaint.

145. Defendant incorporates his previous answers to all previous allegations.

146. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 146 of the Complaint.

147. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 147 of the Complaint.

148. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 148 of the Complaint.

149. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 149 of the Complaint.

150. Defendant denies that he “directed” other Defendants and has insufficient knowledge or information to admit or deny the remaining allegations in paragraph 150 of the Complaint.

151. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 151 of the Complaint.

152. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 152 of the Complaint.

153. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 153 of the Complaint.

154. Defendant incorporates his previous answers to all previous allegations.

155. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 155 of the Complaint.

156. Defendant admits the allegations in paragraph 156 of the Complaint.

157. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 157 of the Complaint.

158. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 158 of the Complaint.

159. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 159 of the Complaint.

160. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 160 of the Complaint.

161. Defendant incorporates his previous answers to all previous allegations.

162. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 162 of the Complaint.

163. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 163 of the Complaint.

164. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 164 of the Complaint.

165. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 165 of the Complaint.

166. Defendant incorporates his previous answers to all previous allegations.

167. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 167 of the Complaint.

168. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 168 of the Complaint.

169. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 169 of the Complaint.

170. Defendant denies the allegations contained in paragraph 170 of the Complaint.

171. Defendant denies the allegations contained in paragraph 171 of the Complaint.

172. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 172 of the Complaint.

173. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 173 of the Complaint.

174. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 174 of the Complaint.

175. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 175 of the Complaint.

176. Defendant incorporates his previous answers to all previous allegations.

177. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 177 of the Complaint.

178. Defendant denies the allegations contained in paragraph 178 of the Complaint.

179. Defendant denies the allegations contained in paragraph 179 of the Complaint.

180. Defendant denies the allegations contained in paragraph 180 of the Complaint.

181. Defendant denies the allegations contained in paragraph 181 of the Complaint.

182. Defendant denies the allegations contained in paragraph 182 of the Complaint.

183. Defendant incorporates his previous answers to all previous allegations.

184. Defendant denies the allegations contained in paragraph 184 of the Complaint.

185. Defendant denies the allegations contained in paragraph 185 of the Complaint.

186. Defendant has insufficient knowledge or information to admit or deny the allegations in paragraph 186 of the Complaint.

187. Defendant denies the allegations contained in paragraph 187 of the Complaint.

188. Defendant denies the allegations contained in paragraph 188 of the Complaint.

189. Defendant incorporates his previous answers to all previous allegations.

190. Defendant denies the allegations contained in paragraph 190 of the Complaint.

191. Defendant admits the allegations contained in paragraph 191 of the Complaint.

192. Defendant denies the allegations contained in paragraph 192 of the Complaint.

193. Defendant denies the allegations contained in paragraph 193 of the Complaint.

194. Defendant incorporates his previous answers to all previous allegations.

195. Defendant denies the allegations contained in paragraph 195 of the Complaint.

196. Defendant denies the allegations contained in paragraph 196 of the Complaint.

197. Defendant denies the allegations contained in paragraph 197 of the Complaint.

198. Defendant denies the allegations contained in paragraph 198 of the Complaint.

199. Defendant incorporates his previous answers to all previous allegations.

200. Defendant denies the allegations contained in paragraph 200 of the Complaint.

201. Defendant admits that he took steps to secure the property but denies the remaining allegations contained in paragraph 201 of the Complaint.

- 202. Defendant denies the allegations contained in paragraph 202 of the Complaint.
- 203. Defendant denies the allegations contained in paragraph 203 of the Complaint.
- 204. Defendant denies the allegations contained in paragraph 204 of the Complaint.
- 205. Defendant incorporates his previous answers to all previous allegations.
- 206. Defendant denies the allegations contained in paragraph 206 of the Complaint.
- 207. Defendant denies the allegations contained in paragraph 207 of the Complaint.
- 208. Defendant denies the allegations contained in paragraph 208 of the Complaint.
- 209. Defendant denies the allegations contained in paragraph 209 of the Complaint.
- 210. Defendant denies the allegations contained in paragraph 210 of the Complaint.
- 211. Defendant denies the allegations contained in paragraph 211 of the Complaint.
- 212. Defendant incorporates his previous answers to all previous allegations.
- 213. Defendant denies the allegations contained in paragraph 213 of the Complaint.
- 214. Defendant denies the allegations contained in paragraph 214 of the Complaint.
- 215. Defendant denies the allegations contained in paragraph 215 of the Complaint.
- 216. Defendant denies the allegations contained in paragraph 216 of the Complaint.
- 217. Defendant denies the allegations contained in paragraph 217 of the Complaint.
- 218. Defendant incorporates his previous answers to all previous allegations.
- 219. Defendant denies the allegations contained in paragraph 219 of the Complaint.
- 220. Defendant denies the allegations contained in paragraph 220 of the Complaint.
- 221. Defendant denies the allegations contained in paragraph 221 of the Complaint.
- 222. Defendant denies the allegations contained in paragraph 222 of the Complaint.

Affirmative Defenses

1. Defendant affirmatively alleges that he had permission and direction from the Trustee, who had taken possession of the subject property pursuant to the Deed of Trust, to secure the property after the purchase.
2. Defendant affirmatively alleges that as purchaser of the subject property, he had the right to protect the property from loss or destruction.

WHEREFORE, Defendant Todd Holtzman respectfully prays that judgment be entered in his favor, that Plaintiff's Complaint be dismissed with prejudice, that he be awarded his attorney's fees and costs, and for such other relief that the Court deems equitable and just.

TODD HOLTZMAN
By Counsel

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CERTIFICATE

I hereby certify that on this 21st day of October 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of this filing to:

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